

REMARKS

Claims 1-8 and 11-28 are pending. Claims 1 and 14 are independent claims and have been amended herein. The pending claims stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,324,519 to Eldering (“Eldering”). These rejections are traversed.

Claim 1 is directed to a computer-implemented audio advertising method for providing audio advertisements to users of telephony services. Claim 1 recites that bid data is received from advertisement providers over a network and that an audio advertisement is played over the network if the bid data is determined satisfactory. The processing of the bid data and the providing of an audio advertisement is done so that when a user uses a telephony server to access a voice markup language application located on the Internet, the service (made available by the voice markup language application) as well as the stored audio advertisement are sent to the user.

Eldering is used in the office action to reject claim 1. Eldering discloses an advertisement auction system in which content/opportunity providers announce to advertisers that they have an opportunity to present an advertisement to a consumer. The advertiser transmits ad characterization information which is correlated with the consumer profile. Based on the results of the correlation, the advertisers place bids for the advertisement opportunity. Upon acceptance of a bid the advertisement is delivered to the consumer.

Eldering does not disclose the limitations of claim 1. For example, Eldering does not disclose as recited in claim 1 that the processing of the bid data and the providing of an audio advertisement are done so that when a user uses a telephony server to access a

voice markup language application located on the Internet, the service (made available by the voice markup language application) and the stored audio advertisement are sent to the user. Instead Eldering discloses techniques for handling advertisements and information displayed on consumer PCs or televisions as shown by the following passage from Eldering:

Advertisements and information displayed on consumer PC 104 or television 108 can be received over an Internet 150, or can be received over the combination of the Internet 150 with another telecommunications access system. The telecommunications access system can include but is not limited to cable TV delivery systems, switched digital video access systems operating over telephone wires, microwave telecommunications systems, or any other medium which provides connectivity between the consumer 100 and a content server 162 and ad server 146.
[(See Eldering at column 3, lines 1-10)]

This is also shown in other passages of Eldering, such as in the following passage:

As an example, an advertiser can maintain a number of servers and web sites which together contain all of the advertisements related to their accounts. Similarly, the content/opportunity provider system can consist of a network of computers owned by a cable television operator and which are capable of keeping track of all of the advertisement insertion opportunities.
[(See Eldering at column 9, lines 43-49)]

As shown by these passages, Eldering does not disclose use of a telephony server in order to access a service provided by a voice markup language, and in response to that access, the user is provided with not only the service but also the audio advertisement as recited in claim 1. Accordingly Eldering does not disclose the limitations of claim 1 and claim 1 should be allowed.

With respect to independent claim 14, claim 14 is directed to an audio advertising system that provides audio advertisements to users of telephony services over a network.


Claim 14 recites that when a telephony server is used to access a voice markup language application located on the Internet, the service (made available by the voice markup language application) and the stored audio advertisement are sent to the user.

Because Eldering does not disclose, *inter alia*, use of a telephony server in order to access a service provided by a voice markup language, and in response to that access, the user is provided with not only the service but also the audio advertisement as recited in claim 14, claim 14 is not anticipated by Eldering and claim 14 should be allowed.

CONCLUSION

For the foregoing reasons, Assignee respectfully submits that the pending claims are allowable. Therefore, the Examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

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